

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-07-00043-001

DATE: June 26, 2007

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Kim R. Walmsley

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Electronically Recorded: 9:06:42 - 10:53:00
11:13:49 - 11:41:36
12:40:17 - 2:17:01
2:34:08 - 3:34:30
3:48:49 - 4:20:20

CSO: F. Tenorio

APPEARANCES:

Defendant: Xian Long Yao

Attorney: William L. Gavras

Present Custody Bond P.R.

Present Retained FPD CJA

U.S. Attorney: Karon Johnson

U.S. Agent: Mike Hernandez, I.C.E.

U.S. Probation: None Present

U.S. Marshal: T. Muna / T. Padua / F. Taitague

Interpreter: Chung L. Harrell

Language: Mandarin

PROCEEDINGS: Continued Jury Trial

- Day No. 2 of trial.
- Voir dire held.
- Jury empaneled and sworn.
- Opening statement by the plaintiff and defendant.
- Witnesses sworn and examined; Exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Government rested their case.
- Court and parties discuss proposed jury instructions .
- Closing Arguments and Jury Instructions set for: June 27, 2007 at 9:00 a.m.
- Jury admonished and instructed to report in at 8:30 a.m.

NOTES:

Defense counsel's oral Motion to Present a Necessity Defense was denied.

UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

United States of America

V.
Xian Long Yao

EXHIBIT AND WITNESS LIST

Case Number: **CR-07-00043-001**

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY WILLIAM L. GAVRAS
HEARING DATE (S) June 26, 2007						COURT REPORTER WANDA MILES	COURTROOM DEPUTY LEILANI TOVES HERNANDEZ
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						Walter Haith, called and sworn	
						DX by Karon Johnson	
4	6/26/07	6/26/07	6/26/07			Certificate of Nonexistence of Records by Walter Haith	
						2:00 p.m. end DX	
						CX by Mr. Gavras	
4	6/26/07	6/26/07	6/26/07			Certificate of Nonexistence of Records by Walter Haith	
						2:12 End CX	
						Re-DX by Ms. Johnson	
						2:15:06 End Re-DX; Witness excused	
						2:17:01 - 2:34:08 Break	
						Michael Hernandez, called and sworn	
						DX by Karon Johnson	
1	6/26/07	6/26/07	6/26/07			Notice of Alien Ordered Removed/Departure Verification	
2	6/26/07	6/26/07				Fingerprint card taken June 14, 2007	
						3:00:48 End DX	
						CX by Mr. Gavras	
						3:02:18 End CX; Witness excused	
						Rodney Sayama, called and sworn	
						DX by Karon Johnson	
2	6/26/07	6/26/07	6/26/07			Fingerprint card taken June 14, 2007	
						3:06:28 End DX	
						No examination by Mr. Gavras; witness excused	
						Julie Paulino, called and sworn	
						DX by Ms. Johnson	
						Ms. Johnson moved for witness to be qualified as an expert.	
						Objection by Mr. Gavras (voir dire conducted)	
						Objection - Overruled. Witness qualified as an expert.	
3	6/26/07	6/26/07	6/26/07			Report of fingerprint comparison by Julie Paulino	
5	6/26/07	6/26/07	6/26/07			Enlarged photo of Exhibit #1 (fingerprint portion) and #2 - mounted on cardboard	
						3:29:24 End DX	
						CX by Mr. Gavras	
						3:31 End CX	
						Court examined witness	
						Witness excused	
						3:33:00 Government rested their case.	
						4:20:20 End Day 2	